

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KING COUNTY,

Plaintiff,

Civil Action No. 2:24-cv-00049-BJR

v.

EXPRESS SCRIPTS, INC., EXPRESS
SCRIPTS ADMINISTRATORS, LLC, MEDCO
HEALTH SOLUTIONS, INC., MERCK-
MEDCO, ESI MAIL ORDER PROCESSING,
INC., ESI MAIL PHARMACY SERVICE, INC.,
EXPRESS SCRIPTS PHARMACY, INC.,
EXPRESS SCRIPTS SPECIALTY
DISTRIBUTION SERVICES, INC.,
OPTUMINSIGHT, INC., OPTUMINSIGHT
LIFE SCIENCES, INC., THE LEWIN GROUP,
INC., INGENIX PHARMACEUTICAL
SERVICES, INC., INGENIX, INC.,
OPTUMRX, INC., and OPTUM, INC.,

Defendants.

**STIPULATED MOTION AND ORDER
TO SEAL PORTIONS OF (1)
PLAINTIFF'S OPPOSITION TO
CERTAIN DEFENDANTS' MOTION
TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT FOR
FAILURE TO STATE A CLAIM AND
(2) PLAINTIFF'S OPPOSITION TO
CERTAIN DEFENDANTS' MOTION
TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT FOR LACK
OF PERSONAL JURISDICTION**

Pursuant to Local Civil Rule (“LCR”) 5(g)(3), Plaintiff King County and Defendants¹ jointly move the Court for an order sealing limited portions of (1) Plaintiff’s Opposition to Certain Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint for Failure to State a Claim and (2) Plaintiff’s Opposition to Certain Defendants’ Motions to Dismiss Plaintiff’s Amended Complaint for Lack of Personal Jurisdiction (together, the “Oppositions”).

The parties make this request because portions of Plaintiff’s Oppositions quote and describe the content of multiple documents cited in Plaintiff’s Amended Complaint, Dkt. # 51, that were produced under protective orders in the national opioid multidistrict litigation, *In re National Prescription Opiate Litigation*, No. 17-md-2804 (N.D. Ohio), and were designated “Confidential” or “Highly Confidential” by the producing parties in that litigation. In accordance with LCR 5(g)(3)(B), Defendants represent that the contents of these documents should remain sealed because of their designation as “Confidential” and “Highly Confidential” under the *In re National Prescription Opiate Litigation* protective orders and because they contain Defendants’ confidential and sensitive business information, including confidential internal business strategy. *See, e.g., Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (sealing is appropriate to prevent the “release [of] trade secrets”); *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (sealing is appropriate to prevent public disclosure of “sources of business information that might harm a litigant’s competitive standing”); *McCurley v. Royal Seas Cruises, Inc.*, 2018 WL 3629945, at *1 (S.D. Cal. July 31, 2018) (courts “routinely permit the sealing of records containing business information which competitors could potentially misuse if disclosed”); *Res Exhibit Servs., LLC v. LNW Gaming, Inc.*, 2023 WL 4826506, at *1 (D. Nev. June 21, 2023) (granting motion to seal because the “material contain[ed] proprietary business information and contents of contractual agreements between the parties”).

¹ Defendants in the instant action are Express Scripts, Inc., Express Scripts Administrators, LLC, Medco Health Solutions, Inc., ESI Mail Order Processing, Inc, ESI Mail Pharmacy Service, Inc., Express Scripts Pharmacy, Inc., Express Scripts Specialty Distribution Services, Inc., OptumInsight, Inc., OptumInsight Life Sciences, Inc., The Lewin Group, Inc., OptumRx, Inc., and Optum, Inc.

As required by LCR 5(g)(3)(A), the parties certify that prior to the filing of this motion, they conferred on August 1, 2024 and August 2, 2024 in an attempt to avoid the filing of this motion. The parties conferred via email on which numerous counsel for all parties were cc'd, with David Ko and Matthew Melamed the primary participants for Plaintiff, and Kimberly Chemerinsky the primary participant for Defendants. Given the confidentiality designations referenced above, the parties agreed to file this stipulated motion.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD

DATED this 30th day of September, 2024.

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

/s/ Alicia Cobb

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By /s/ David J. Ko

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9 *Attorneys for Defendant OptumInsight,*
10 *Inc., OptumInsight Life Sciences, Inc.,*
11 *The Lewin Group, Inc., OptumRx, Inc.,*
12 *and Optum, Inc.*

13 IT IS SO ORDERED.

14 September 30, 2024

15 Dated



Hon. Barbara J. Rothstein
United States District Judge

CERTIFICATE OF SERVICE

I, David Ko, hereby certify that on September 30, 2024, I electronically filed the **STIPULATED MOTION AND [PROPOSED] ORDER TO SEAL PORTIONS OF PLAINTIFF'S OPPOSITIONS TO CERTAIN DEFENDANTS' MOTIONS TO DISMISS FOR FAILURE TO STATE A CLAIM AND LACK OF PERSONAL JURISDICTION** with the clerk of the United States District Court for the Western District of Washington using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ David J. Ko

David J. Ko